

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SCS-03 L-03 CIAE-00 INR-07 NSAE-00
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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 2103

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DEPARTMENT FOR ELTZ AND PASCUA (ARA/ECA/BR)

E.O. 11652: N/A
TAGS: CASC BR (DAVIS FAMILY)
SUBJECT: RELEASE OF SQUATTERS ACCUSED IN DAVIS KILLINGS

1. FEDERAL APPEALS COURT IN BRASILIA (SOME PRESS ACCOUNTS REFER TO FEDERAL SUPREME COURT), IN DECISION REACHED MAY 24, ORDERED RELEASE ON HABEAS CORPUS OF 17 OF 19 SQUATTERS STILL UNDER DETENTION IN BELEM FOR SUSPICION OF THE JULY 3, 1976 KILLINGS OF DAVIS FAMILY MEMBERS. THOSE RELEASED WERE REPORTED TO BE RETURNING TO THEIR HOMES ON AND AROUND DAVIS PROPERTY OF CAPAZ.

2. AS DEPARTMENT WILL RECALL, DECISION LAST NOVEMBER BY LOCAL JUDGE RELEASING SQUATTERS HAD BEEN COUNTERMANDED BY STATE COURT OF APPEALS, WHICH ORDERED SQUATTERS PICKED UP AGAIN. LAWYERS FOR DEFENDANTS ENTERED APPEAL AGAINST THAT DECISION WITH HIGHER COURTS IN BRASILIA IN JANUARY.

3. LATEST DECISION DOES NOT IMPLY ACQUITTAL OF SQUATTERS, BUT THAT ACCUSED WILL STAND TRIAL AT LIBERTY. EMBASSY IS SEEKING TO DETERMINE EXACT GROUNDS FOR UPPER COURT
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DECISION, BUT SUSPECTS ITS IS LEGALLY WELL FOUNDED AND RESULTS FROM FAILURE OF LOCAL JUDGE TO ASSEMBLE PRE-TRIAL EVIDENCE WITHIN ALLOTTED TIME -- THIS DUE TO LACK OF LOCAL RESOURCES AND NEED TO TRANSPORT SQUATTERS LONG DISTANCE FROM JAIL IN BELEM TO LOCAL COURT IN SAO DOMINGOS DE CAPIM IN ORDER TO OBTAIN PRE-TRIAL DEPOSITIONS.

CRIMMINS

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Message Attributes

Automatic Decaptioning: X
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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